

as in their judgment does not require a full time county superintendent, and fix his salary at any amount less than the present maximum now allowed full time superintendents; provided that said part time county superintendent of schools shall be subject to the same provisions of this law as provided for full time superintendents.

Sec. 6. The county superintendent shall receive such annual salary as the maximum heretofore provided for the respective counties by general or special legislative enactment.

Sec. 7. Repealing clause.

Sec. 8. Emergency clause.

Unanimous consent was granted to print the substitute in the Journal.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,

Monday, February 14, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	

Absent.

Bowers. Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Reid.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Holbrook:

S. B. No. 354, A bill to be entitled "An Act to create Road District No. 26 in Brazoria County, Texas; validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district, approving and validating all orders of the commissioners' court of said county in respect to said road district, bonds and taxes or certified copies thereof and constituting such orders legal evidence and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Holbrook:

S. B. No. 355, A bill to be entitled "An Act to create Road District No. 25 in Brazoria County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district, approving and validating all orders of the commissioners' court of said county in respect to said road district, bonds and taxes or certified copies thereof, and constituting such orders legal evidence and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Holbrook:

S. B. No. 356, A bill to be entitled "An Act to create road district No. 9 of Fort Bend County, Texas; validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization of certain road bonds thereof, and providing for the issuance and sale thereof; authorizing

the commissioners' court to levy and provide for the assessment and collection of general ad valorem taxes on all taxable property in said road district in payment of principal and interest on said bonds; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Floyd:

S. B. No. 357, A bill to be entitled "An Act providing a method by which any bank or bank and trust company incorporated under the laws of this State may change its name; and declaring an emergency."

Read first time and referred to Committee on Banking.

By Senators McFarlane, Bledsoe:

S. B. No. 358, A bill to be entitled "An Act providing for a report and record of real estate sold for taxes and for the publication of same; prescribing the information and data that shall be included in connection therewith; prescribing the duties of the sheriff or constable relative to making report of sales of real estate for taxes to the county clerk; providing for the removal from office of the county clerk, sheriff or constable violating or failing to comply with the provisions of this Act; providing for all matters and things incidental to said purposes; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Westbrook:

S. B. No. 359, A bill to be entitled "An Act making it unlawful for any person, firm or corporation to manufacture, sell, barter, exchange, give away, or otherwise furnish or to possess, advertise, or solicit the purchase or sale of any malt syrup or any other malt preparation that is intended for, or which may be used, or primarily is used in making any alcoholic beverage regardless of the presence or degree of alcoholic content in such liquor; prescribing

penalties for violation of this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Real:

S. B. No. 360, A bill to be entitled "An Act to provide for extending the terms of the district courts in any county composing one or more judicial districts; validating extensions of terms heretofore made in such counties; and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Lewis, Neal:

S. B. No. 361, A bill to be entitled "An Act to amend Article 6954 of the Revised Civil Statutes of the State of Texas of 1925, the same being also Article 7235 as contained in Chapter 101 of the General Laws of the Regular Session of the Thirty-ninth Legislature, relating to Stock Law Elections in reference to certain live stock, so as to insert in said Article Leon and Panola Counties; and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Witt:

S. B. No. 362, A bill to be entitled "An Act relating to public lands placing under the terms and provisions of the Permit Law for the development of oil and gas all public free school lands recovered from the Capital Syndicate and heretofore sold and providing for the payment to the purchaser or owner ten cents per acre, and in addition a royalty equal to the market value of one-sixty-fourth of the gross production of oil and gas as an equivalent for his interest therein, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Fairchild:

S. B. No. 363, A bill to be entitled "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than ten nor more than five hundred dollars, to confinement in the penitentiary for not less than one nor more than five years, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Stuart:

S. B. No. 364, A bill to be entitled "An Act amending Article 1302 of the Revised Civil Statutes of 1925 so as to authorize the formation of private corporations for the purposes of acquiring, owning and colonizing land, provided that no such corporation shall acquire or own more than — acres of land in this State; repealing any law or part of law in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Bledsoe:

S. B. No. 365, A bill to be entitled "An Act amending Section 1 of Chapter 80, of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to change and fix the terms and times of holding the district court in the various counties composing the 72nd Judicial District of this State; enacting necessary provisions relative to process issued and bonds and recognizances made and grand and petit juries drawn before this Act takes effect; and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Russek:

S. B. No. 366, A bill to be entitled "An Act providing that where any truck is required to be licensed by the laws of this State while being used and operated upon the highways thereof that where such truck is used exclusively by the owner thereof for the purpose of hauling and transporting his own property, goods and wares, and is not used for hauling and transporting the property, goods and wares of another for hire, that the license tax payable on said truck shall be a sum equal to one-half of what the same is now on any truck of similar make, kind, weight and character; and provided that any owner of any truck desiring to operate or use the same upon the highways of this State under the provisions of this Act before doing so he shall file with the tax collector issuing such license an affidavit stating that such truck is to be used for individual purposes by the owner thereof and will not be used for the purpose of hauling or transporting property, goods or merchandise for any other person for hire; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Moore:

S. J. R. No. 25, A Senate Joint Resolution "Proposing an amendment to the State Constitution so as to authorize the submission to the people of constitutional amendments at Special Sessions of the Legislature."

Read first time and referred to Committee on Constitutional Amendments.

By Senator Westbrook:

S. B. No. 367, A bill to be entitled "An Act amending Title 12, of the Revised Civil Statutes of the State of Texas, so as to require all assignments for creditors to be recorded in the deed records of the county of the assignor's residence within three days after the execution thereof; etc."

Read first time and referred to Committee on State Affairs.

By Senator Fairchild:

S. B. No. 368, A bill to be entitled "An Act amending Article 4479 of the Revised Civil Statutes of 1925 so as to change the qualifications of members of boards of managers of county hospitals; providing for alternate appointments so that a portion of the members of such board will expire one year and a portion the next year; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Smith:

S. B. No. 369, A bill to be entitled "An Act to establish and maintain a Dairy, Poultry, Pecan, Crops and other Native Products Experiment Station on the Miles, Roscoe and Abilene Soil Type in Taylor, Jones, Callahan or Shackelford County, Texas within a radius of twenty miles of Abilene, Taylor County, Texas, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said board to establish and maintain same, to accept donations of lands, water, livestock, seeds, plants and money for the establishment of said station, making an appropriation to pay the cost of establishing said station and for the operation of same, and declaring an emergency."

Read first time and referred to Committee on Agriculture.

In Memory of Honorable J. M. Terrell

SIMPLE RESOLUTION NO. 58.

On March 6, 1926, Honorable J. M. Terrell died at Glenrose, Texas, to which place he had gone in vain hope of restoring his health.

Mr. Terrell was born October 19, 1870, on a farm in Morris County at Daingerfield. His boyhood days were spent on the farm, in the woods, the fields and on the streams. It was not his good fortune to attend any university or college, but he attended the public schools of his community and diligently thereafter pursued his studies at home. After reaching his majority he read law in a private law office and in 1896 was admitted to the bar.

Thereafter he was elected county attorney and at the expiration of his term was re-elected. His administration of that office was marked with diligence, courage and success.

In 1905 a vacancy occurred in the senatorship in the district of which Morris County was a part and he was elected State Senator and at the expiration of the term was re-elected. He became one of the most popular and influential members of that body and was elected its president pro-tem. His name is associated with a number of the most important and constructive laws enacted during his tenure of office. In 1908 he removed to Texarkana where he practiced law until 1911 when he removed to Dallas where he resided until his untimely death. His accomplished wife, before marriage was Miss Daisie Connor, had passed away in 1918. He is survived by three brothers, one sister and a devoted daughter, Miss George Alma Terrell of Dallas.

In politics Mr. Terrell was a strict party man and a Democrat of the "Old School." The longer he lived and the more he studied the stronger he became attached to the principles of Jefferson. As a citizen he believed in orderly government and was devoted to the principle that the majority should govern, with due regard to the rights of the minority. While a member of the State Senate he was faithful to the true principles of Democratic government and so unswerving was he to his conception of duty and so courageous was he in upholding the right that his colleagues affectionately and admiringly gave him the title of "Honest Jim."

In his social relations he was ever genial, kind and courteous. He loved his friends and they loved him. He never deserted one in time of stress or storm. As a lawyer he had an exalted admiration for the noble profession of which he was a member and he typified the best in the bench and bar of Texas. As a practitioner he lived up to the highest ethics of the profession. He was sincere, open and frank with court and with jury, uniformly courteous to his adversary, and at all times he scorned the idea of resorting to chicanery to win a point.

During the last two years of his life, he suffered much, but seldom complained. He had an abiding faith in immortality and in the resurrection and his faith sustained him to the end.

"Leaves have their time to fall,
And flowers to wither at the north wind's breath
And stars to set; but all—
Thou hast all seasons for thine own, O death,
We know when moons shall wane,
When summer birds from far shall cross the sea,
When autumn's hues shall tinge the golden grain,
But who shall teach us when to watch for Thee."

Be It Resolved by the Senate of the State of Texas:

That the foregoing memorial be printed in the Senate Journal and that ten copies of the Journal be forwarded to Miss George Alma Terrell, Bryan High School, Dallas, Texas, the daughter and only child of Honorable J. M. Terrell, and that one copy be forwarded to the Hon. C. F. Greenwood, Attorney at Law, Dallas, Texas, a faithful friend of Senator Terrell, who for the most part prepared the foregoing memorial.

PRICE,
BAILEY,
WARD,
WESTBROOK.

The resolution was read and adopted unanimously by a rising vote.

who for the most part prepared the foregoing memorial.

The resolution was read and adopted unanimously by a rising vote.

H. C. R. No. 21.

The Chair laid before the Senate on first reading H. C. R. No. 21 endorsing S. B. No. 4746 now before Congress.

On motion of Senator Bailey, the resolution was referred to the Committee on Agriculture.

H. C. R. No. 22.

The Chair laid before the Senate on first reading H. C. No. 22, requesting members of Congress to use their influence in securing the passage of a bill relating to the retirement of certain emergency army officers.

The resolution was read and adopted.

Motion for Special Order.

Senator Love moved that S. B. No. 9 be made special order for 3 o'clock this afternoon.

Senator Fairchild moved as a substitute to lay S. B. No. 9 on the table subject to call.

Senator Love raised the point of order that a motion for special order cannot be substituted for.

The Chair objected. Senator Love withdrew his point of order.

The motion of Senator Fairchild was lost by the following vote:

Yeas—12.

Fairchild.	Real.
Floyd.	Russek.
Hardin.	Stuart.
Holbrook.	Ward.
Miller.	Westbrook.
Pollard.	Wirtz.

Nays—13.

Berkeley.	Neal.
Bledsoe.	Price.
Greer.	Reid.
Hall.	Smith.
Lewis.	Triplett.
Love.	Wood.
McFarlane.	

Present—not Voting.

Bailey.

Absent.

Bowers.	Witt.
Moore.	Woodward.
Parr.	

Senator Wood moved to amend the motion to the effect that S. B. No. 9 be made special order Tuesday morning immediately after the morning call. Senator Love accepted the amendment.

Senator Pollard moved as a substitute that S. B. No. 9 be made special order immediately after the disposal of the joint resolution on the calendar. The motion was adopted by the following vote:

Yeas—15.

Berkeley.	Real.
Fairchild.	Russek.
Floyd.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Miller.	Westbrook.
Moore.	Wirtz.
Pollard.	

Nays—11.

Bledsoe.	Neal.
Greer.	Price.
Hall.	Reid.
Lewis.	Smith.
Love.	Wood.
McFarlane.	

Present—not Voting.

Bailey.

Absent.

Parr.	Woodward.
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(Pair Recorded.)

Senator Witt (present), who would vote nay; with Senator Bowers (absent), who would vote yea.

Bills Signed.

After their caption had been read, the Chair signed the following bills:

S. B. No. 56.
S. B. No. 149.

Messages From the House.

The Chair recognized the doorkeeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a free conference on S. B. No. 55

and the following committee is appointed on the part of the House:

Wallace of Freestone; Parish of Runnels; Sinks. Petsch, Wells.

Respectfully submitted,

M. LOUISE SNOW.

Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, Feb. 14, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 459, A bill to be entitled

H. B. No. 11, A bill to be entitled "An Act to create Road District No. 4, of Shelby County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated August 11, 1919, and numbered 171 to 210, inclusive, and also the bonds of said district dated October 10, 1923, and numbered respectively, from 1 to 50, inclusive, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes, on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county, in respect of said designated road district bonds, but none others, and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

S. B. No. 149, A bill to be entitled "An Act making an emergency appropriation of four thousand eight hundred dollars for finishing the remodeling and strengthening of what is commonly known as the old Austin College Building, the same being one of the buildings of the Sam Houston State Teacher's College plant at Huntsville, Texas, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Senate Bill No. 287.

On motion of Senator Hardin, S. B. No. 287 was re-referred to the Committee on Agriculture, from which it was reported adversely.

House Bills Read and Referred.

H. B. No. 11 was read and referred to Committee on Highways and Motor Vehicles.

S. J. R. No. 15.

The Chair laid before the Senate as pending business the following resolution:

S. J. R. No. 15, A joint resolution "Proposing to amend Sections 4, 5, 12, 16, 22 and 23 of Article IV, Constitution of Texas."

The pending business is the adoption of the committee amendment as amended.

The amendment was adopted.

Senator Wirtz sent up the following amendment:

By Senator Wirtz:

Amend S. J. R. No. 15 by adding after the period at the end of Section 4, page 2, line 30, the following:

"The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor. The Lieutenant Governor shall, by virtue of his office, be president of the Senate and shall have, when in Committee of the whole, a right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified; or until the Governor, impeached, absent, or disabled, shall be acquitted, return or his disability removed."

The amendment was read and adopted.

Senator McFarlane sent up the following amendment:

By Senator McFarlane:

Amendment No. 2, S. J. R. No. 15.

"Amend line sixteen, page one, by striking out the word 'four' and insert in lieu thereof the word 'two.'"

Senator Wirtz sent up the following substitute for Senator McFarlane's amendment:

By Senator Wirtz:

Amendment No. 2, S. J. R. No. 15.

Substitute the pending amendment to S. J. R. No. 15, as follows:

"Amend the resolution by striking out Section 1. and renumbering the succeeding sections accordingly."

The substitute amendment was adopted.

Senator McFarlane sent the following amendment:

Amendment No. 3, S. J. R. No. 15.

By Senator McFarlane:

"Amend line 32, page 2. by striking out the word "four" and insert in lieu thereof the word "two."

"Amend line 28, page 3, by striking out the word "four" and insert in lieu thereof the word "two."

Senator McFarlane withdrew his amendment.

Senator Fairchild moved to reconsider the vote by which amendment No. 2 was adopted.

Senator Hall sent up the following amendment:

Amendment No. 3, S. J. R. No. 15.

Amend S. J. R. No. 15, by striking out the caption and inserting in lieu thereof the following:

"SENATE JOINT RESOLUTION"

"Proposing amendment to the Constitution of this State providing that the duration of all offices not fixed by this Constitution at as much as four years, and the duration of all offices not expressly authorized by this Constitution to be fixed by the Legislature at as much as four years, may be fixed by the Legislature at not to exceed four years, and that this amendment shall supersede and repeal any provision in the present Constitution conflicting herewith."

Amend S. J. R. No. 15, by striking out all after the words "Be it resolved by the Legislature of the State of Texas" and inserting in lieu thereof the following:

"Section 1. That Section 30 of Article 16 of the Constitution of the State of Texas shall be amended so as to hereafter read as follows:

"Sec. 30. The duration of all offices not fixed by this Constitution at as much as four years, and the duration of all offices not expressly authorized by this Constitution to be fixed by the Legislature at as much as four years, may be fixed by the Legislature at not to exceed four years. This amendment shall supersede and repeal any provision in the

present Constitution conflicting herewith."

"Section 2. Said proposed constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the first Tuesday after the first Monday in November, A. D., 1928, the same being general election day, at which election each voter opposing said amendment shall scratch off of the ballot with pen or pencil the following words printed thereon: "For the amendment to the Constitution of this State providing that the duration of all offices not fixed by this Constitution at as much as four years, and the duration of all offices not expressly authorized by this Constitution to be fixed by the Legislature at as much as four years, may be fixed by the Legislature at not to exceed four years, and that this amendment shall supersede and repeal any provision in the present Constitution conflicting herewith;" and each voter favoring said amendment shall scratch off of the ballot in the same manner, the following words printed thereon: "Against the amendment to the Constitution of this State providing that the duration of all offices not fixed by this Constitution at as much as four years, and the duration of all offices not expressly authorized by this Constitution to be fixed by the Legislature at as much as four years, may be fixed by the Legislature at not to exceed four years, and that this amendment shall supersede and repeal any provision in this present Constitution conflicting herewith."

"Section 3. The Governor shall issue the necessary proclamation for said election and have the same published and the election held as herein provided and according to the Constitution and laws of this State. The sum of five thousand dollars or so much thereof as may be necessary is hereby appropriated out of the State Treasury to pay the expenses of such publication and election."

Senator Wirtz raised the point of order that the amendment was not germane to the pending resolution. The Chair (Lieutenant-Governor Miller) upheld the point of order.

Senator Hall moved to refer the resolution to the committee.

Senator Wood moved as a substitute that the resolution be laid on

the table subject to call. The motion carried.

Senator Fairchild moved to reconsider the vote by which the motion to lay the resolution on the table, subject to call.

The motion was lost.

Senate Bill No. 195.

Senator Bailey received unanimous consent to take up out of its regular order the following bill:

By Senator Bailey:

S. B. No. 195, A bill to be entitled "An Act to authorize a fifty year lease to be issued to the town of Aransas Pass in Aransas and San Patricio Counties, Ransom Island and its sand flats extension to the northeast and its sand flat extensions to the southwest in Red Fish Bay situated in Nueces County, and that shallow portion of said bay between said island and its extension and the main land; etc., and declaring an emergency."

Senator Bailey sent up the following amendment:

Amendment No. 1 S. B. No. 195.

By Senator Bailey:

Amend the bill by striking out the preamble.

The amendment was adopted.

The bill as amended was read second time and passed to engrossment.

On Motion of Senator Bailey, the constitutional rule requiring bill to be read on three several days was suspended and S. B. No. 195 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Fairchild.	Pollard.
Floyd.	Price.
Greer.	Real.
Hall.	Reid.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Westbrook.
Wirtz.	Wood.
Witt.	

Absent.

Bowers.	Woodward.
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The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.

Absent.

Bowers.	Woodward.
Hardin.	

Senate Bill No. 158.

Senator Fairchild asked unanimous consent to take up out of its regular order, S. B. No. 158.

Senator Love objected.

Recess.

On motion of Senator Holbrook, the Senate, at 12 o'clock, recessed until 2 o'clock, p. m.

After Recess.

The Senate was called to order at 2 o'clock, p. m., by Lieutenant Governor Barry Miller, pursuant to recess.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1927.

Hon. Barry, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 372, A bill to be entitled "An Act fixing in counties having a population in excess of 150,000 inhabitants, and in which there is no county attorney, the compensation of and providing for the appointment of assistant district attorneys, investigators, stenographers and other employes, and providing for their sal-

aries and the manner of their payment, and providing for the purchase, operation and maintenance of automobiles, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1927.

Hon Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that in accordance with H. C. R. No. 10 and H. C. R. No. 14, the House returns to the Senate H. B. No. 52.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1927.

Hon Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 246, A bill to be entitled "An Act to authorize and direct the Secretary of State to exchange court reports, session acts and other publications of other States and of the United States and of foreign countries for the benefit of the Law Library of the University of Texas, and declaring an emergency."

H. B. No. 257, A bill to be entitled "An Act to relinquish and quitclaim unto cities and towns or municipalities which were established or founded, according to the records of the General Land Office, on March 10, 1826, under the laws of Mexico, or the laws of Coahuila and Texas, and which had a population of thirty-one hundred and twenty-eight, according to the published United States Census of 1920, all squares, blocks, or parcels of land, except streets, alleys and parks now situated in such cities and towns, to which squares, blocks or parcels of land the State of Texas may now have any right, title or interest, and declaring an emergency."

H. B. No. 334, A bill to be entitled "An Act to amend Sections 2 and 3, Chapter 4, of the Acts of the Third Called Session of the Thirty-sixth Legislature, changing the date of holding the terms of the district court

of the Twenty-ninth Judicial District of Texas, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the term of court in the several counties as herein fixed; to validate such process, recognizances and bonds, and to validate the summoning of grand and petit jurors; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 351, A bill to be entitled "An Act regulating the liability of sureties on obligations and undertakings in case of discharge or release of any principal thereon, less than all, or in event of alterations or changes in the terms of such obligation or undertaking; enacting Article 6252-a of the Revised Civil Statutes of 1925; and declaring an emergency."

H. B. No. 264, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to revalue, reclassify and give new notice on all scrap school surveys, which were valued and classified on March 26, 1926, and allow all applicants sixty days after such reclassification and revaluation in which to file applications to purchase said land, and declaring an emergency."

House Bills Read and Referred.

The following House bills were read first time and referred to the following committees:

H. B. No. 372, referred to Committee on State Affairs.

H. B. No. 257, referred to Committee on Public Lands and Land Office.

H. B. No. 264, referred to Committee on Public Lands and Land Office.

H. B. No. 334, referred to Committee on Judicial Districts.

H. B. No. 351, referred to Committee on State Affairs.

H. B. No. 346, referred to Committee on State Affairs.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I, am directed by the House to

inform the Senate that the House has adopted the following resolution:

S. C. R. No. 15, Relating to joint rules of the House and Senate.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

S. J. R. No. 1.

The Chair laid before the Senate on third reading, the following resolution:

S. J. R. No. 1, A joint resolution "Proposing an amendment to Article 16, of the Constitution of the State of Texas, by inserting a section to be known as Section 30-b of said Article, authorizing the terms of office of members of boards of education and all other municipal boards and commissions in cities and towns of whatever population, and of all school trustees to extend for any period of time not to exceed six years, and for the terms of the various members of such boards to be overlapping; and providing for the submission of such amendment for ratification or rejection at the next general election; and making an appropriation to defray the expenses of said election."

The resolution was passed finally by the following vote:

Yeas—23.

Berkeley.	Price.
Bledsoe.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Moore.	Witt.
Neal.	Wood.
Pollard.	

Nays—5.

Bailey.	Parr.
Fairchild.	Wirtz.
Holbrook.	

Absent.

Bowers.	Woodward.
Miller.	

S. J. R. No. 2.

The Chair laid before the Senate on third reading the following resolution:

S. J. R. No. 2, A bill to be entitled

"An Act providing for a convention to frame a Constitution for the State of Texas."

Senator Stuart sent up the following amendment:

Amendment No. 1, S. J. R. No. 2.

Amend S. J. R. No. 2, by striking out the following at the end of Section 5 thereof:

"Upon said convention it shall proceed to frame a new Constitution for the State of Texas and submit the same to a vote of the qualified electors of this State at a general election to be held throughout the State on the First Monday of August, A. D., 1928, and if it appear from a return of said election that a majority of the votes cast have been cast in favor of the Constitution so framed, the same shall become the Constitution of the State of Texas."

Senator Bailey moved to table the amendment, Senator Stuart withdrew the amendment.

The resolution was lost by the following vote:

Yeas—17.

Berkeley.	Reid.
Bledsoe.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Moore.	Witt.
Neal.	Wood.
Price.	

Nays—7.

Bailey.	Parr.
Floyd.	Pollard.
Greer.	Wirtz.
McFarlane.	

Absent.

Bowers.	Real.
Fairchild.	Russek.
Hardin.	Woodward.
Miller.	

The point of order raised by Senator Love to the effect that this was not a constitutional amendment and would not require a two-thirds vote, was over-ruled by the Chair (Lieutenant-Governor Miller) because of the provisions of the resolution.

Message From The Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following messages:

Executive Department,
Austin, Texas, Feb. 14, 1927.
To the Honorable Senate of the State of Texas:

With your advice and consent I desire to appoint the following named persons to the office set opposite their names, respectively:

Honorable George M. Craig of Jefferson County, to be Pilot Commissioner for the Sabine Pass District.

Honorable J. A. Whitten of Schleicher County, to be a member of the State Livestock Sanitary Commission.

Honorable W. R. Chapman of Jones County, to be Judge of the 104th Judicial District of the State of Texas.

Honorable Clyde Grissom of Haskell County, to be District Attorney of the 39th Judicial District.

Honorable Albert Brown of Lampasas County, to be Public Weigher at Lampasas, Texas; (Article 5628, requiring recommendation of applicant by Senator and Representative of his district, has been complied with.)

Honorable R. L. Holiday of El Paso County, to be a member of the Board of Regents of the University of Texas.

Mrs. H. J. O'Hair of Coleman County, to be a member of the Board of Regents of the University of Texas.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

House Bill No. 52, Returned.

The Governor, at the same time, returned H. B. No. 52 to the Legislature.

House Bill No. 52.

The Chair announced that the Speaker of the House and the Lieutenant Governor had erased their names from H. B. No. 52 and that the bill was now on its third reading.

Senator Reid sent up the following amendment:

Amendment to H. B. No. 52.

Amend caption H. B. No. 52 by striking out all above the enacting clause and insert in lieu thereof the following:

A BILL

to be entitled

An Act creating the Eighty-fourth Judicial District composed of the same counties composing the Thirty-first Judicial District; prescribing the time for the holding of terms of court in said district in the various counties composing same, providing for a district judge and a district attorney for said district, providing that the district clerk in each county in the Thirty-first Judicial District shall also act as the district clerk in each county in the Eighty-fourth Judicial District, prescribing the jurisdiction of the district courts in the Thirty-first and the Eighty-fourth Judicial Districts, providing for the transfer of cases as between the Thirty-first and the Eighty-fourth Judicial Districts, making proper provisions in reference to orders, papers, records, process and writs, bonds and recognizances where such transfers are made, providing for district attorneys in the two said districts assisting each other in the performance of their duties, enacting the proper provisions relative to the Thirty-first Judicial District in order to conform the same and the law relative thereto to the purposes and provisions of this Act, making proper provisions for the time of holding court in the various counties of the Thirty-first Judicial District, enacting the necessary provisions incident to the main purposes and subject of the Act, providing for the expiration of this Act in so far as it pertains to the Eighty-fourth Judicial District, and thereupon the transfer of cases, matters and things to the Thirty-first Judicial District Court, providing that no grand jury nor petit jury shall be drawn in certain counties of the Eighty-fourth Judicial District and in certain counties of the Thirty-first Judicial District, and declaring an emergency.

Amend H. B. No. 52 by striking out all after the enacting clause and insert the following in lieu thereof:

Section 1. The Thirty-first Judicial District of the State of Texas shall be composed of the counties of Gray, Hutchinson, Hansford, Ochiltree, Lipscomb, Hemphill, Carson, Wheeler and Roberts.

Sec. 2. The terms of district court of the Thirty-first Judicial District of the State of Texas shall for and during the year A. D. 1927 be held as follows:

Beginning in Gray County on the fourth Monday in February and may continue in session one week;

Beginning in Hutchinson County on the first Monday after the fourth Monday in February, and may continue in session one week;

Beginning in Hansford County on the second Monday after the fourth Monday in February, and may continue in session two weeks;

Beginning in Ochiltree County on the fourth Monday after the fourth Monday in February, and may continue in session two weeks;

Beginning in Lipscomb County on the sixth Monday after the fourth Monday in February, and may continue in session two weeks;

Beginning in Hemphill County on the eighth Monday after the fourth Monday in February, and may continue in session four weeks;

Beginning in Carson County on the twelfth Monday after the fourth Monday in February, and may continue in session one week;

Beginning in Wheeler County on the thirteenth Monday after the fourth Monday in February, and may continue in session one week;

Beginning in Roberts County on the fourteenth Monday after the fourth Monday in February, and may continue in session one week;

Beginning in Roberts County on the second Monday in August and may continue in session two weeks;

Beginning in Wheeler County on the second Monday after the second Monday in August and may continue in session five weeks;

Beginning in Carson County on the seventh Monday after the second Monday in August and may continue in session one week;

Beginning in Gray County on the eighth Monday after the second Monday in August and may continue in session one week;

Beginning in Hutchinson County

on the ninth Monday after the second Monday in August and may continue in session one week;

Beginning in Hansford County on the tenth Monday after the second Monday in August and may continue in session two weeks;

Beginning in Ochiltree County on the twelfth Monday after the second Monday in August and may continue in session two weeks;

Beginning in Lipscomb County on the fourteenth Monday after the second Monday in August and may continue in session two weeks;

Beginning in Hemphill County on the sixteenth Monday after the second Monday in August and may continue in session until the business of the court is disposed of.

Sec. 3. The terms of the district court for the 31st Judicial District of the State of Texas for and during the year A. D. 1928 and thereafter shall be held in said district for the said year 1928 and each year thereafter as follows:

Beginning in Roberts County on the second Monday in January and August and may continue in session two weeks;

Beginning in Wheeler County on the second Monday after the second Monday in January and August and may continue in session five weeks;

Beginning in Carson County on the seventh Monday after the second Monday in January and August and may continue in session one week;

Beginning in Gray County on the eighth Monday after the second Monday in January and August and may continue in session one week;

Beginning in Hutchinson County on the ninth Monday after the second Monday in January and August and may continue in session one week;

Beginning in Hansford County on the tenth Monday after the second Monday in January and August and may continue in session two weeks;

Beginning in Ochiltree County on the twelfth Monday after the second Monday in January and August and may continue in session two weeks.

Beginning in Lipscomb County on the fourteenth Monday after the second Monday in January and August and may continue in session two weeks.

Beginning in Hemphill County on the sixteenth Monday after the second Monday in January and August and may continue in session un-

til the business of the court is disposed of.

Sec. 4. The 84th Judicial District of the State of Texas shall be composed of the Counties of Gray, Hutchinson, Hansford, Ochiltree, Lipscomb, Hemphill, Carson, Wheeler and Roberts, and the terms of the district court therein for the year A. D. 1927, shall be held as follows:

Beginning in Gray County on the first Monday in March and on the 13th Monday after the first Monday in March, and on the first Monday in August and on the 14th Monday after the first Monday in August, and may continue in session two weeks.

Beginning in Carson County on the second Monday after the first Monday in March and on the 15th Monday after the first Monday in March, and on the second Monday after the first Monday in August and on the 16th Monday after the first Monday in August, and may continue in session two weeks.

Beginning in Hutchinson County on the fourth Monday after the first Monday in March and may continue in session three weeks, and on the seventeenth Monday after the first Monday in March and may continue in session until the business of the court is disposed of; and on the fourth Monday after the first Monday in August and may continue in session four weeks, and on the eighteenth Monday after the first Monday in August, and may continue in session until the business of the court is disposed of;

Beginning in Hansford County on the seventh Monday after the first Monday in March and on the eighth Monday after the first Monday in August and may continue in session one week;

Beginning in Wheeler County on the eighth Monday after the first Monday in March and on the ninth Monday after the first Monday in August and may continue in session one week;

Beginning in Lipscomb County on the ninth Monday after the first Monday in March and on the tenth Monday after the first Monday in August and may continue in session one week;

Beginning in Ochiltree County on the tenth Monday after the first Monday in March and on the eleventh Monday after the first Monday in

August and may continue in session one week;

Beginning in Roberts County on the eleventh Monday after the first Monday in March and on the twentieth Monday after the first Monday in August and may continue in session one week;

Beginning in Hemphill County on the twelfth Monday after the first Monday in March and on the thirteenth Monday after the first Monday in August and may continue in session one week;

Sec. 5. The terms of the district court of the said Eighty-fourth Judicial District of the State of Texas for and during the year A. D. 1928 and thereafter shall be held as follows:

Beginning in Hutchinson County on the first Monday in January and on the sixteenth Monday after the first Monday in January and on the first Monday in July and on the sixteenth Monday after the first Monday in July, and may continue in session for four weeks;

Beginning in Carson County on the fourth Monday after the first Monday in January and on the twentieth Monday after the first Monday in January and on the fourth Monday after the first Monday in July and on the twentieth Monday after the first Monday in July, and continue in session three weeks;

Beginning in Gray County on the seventh Monday after the first Monday in January, and may continue in session three weeks; and on the twenty-third Monday after the first Monday in January and may continue in session until the business of the court is disposed of; and on the seventh Monday after the first Monday in July and may continue in session three weeks; and on the twenty-third Monday after the first Monday in July, and may continue in session until the business of the court is disposed of;

Beginning in Hemphill County on the tenth Monday after the first Monday in January and July and may continue in session one week;

Beginning in Lipscomb County on the eleventh Monday after the first Monday in January and July and may continue in session one week;

Beginning in Wheeler County on the twelfth Monday after the first Monday in January and July and continue in session one week;

Beginning in Roberts County on the thirteenth Monday after the first Monday in January and July and may continue in session one week;

Beginning in Hansford County on the fourteenth Monday after the first Monday in January and July and may continue in session one week;

Beginning in Ochiltree County on the fifteenth Monday after the first Monday in January and July and may continue in session one week;

Sec. 6. There shall be no grand jury nor petit jury drawn for the said Eighty-fourth District Court in the counties of Hemphill, Lipscomb, Wheeler, Roberts, Hansford and Ochiltree, except such as the judge of said court may in his discretion from time to time order.

Sec. 7. There shall be no grand jury nor petit jury drawn for the said Thirty-first District Court in the counties of Hutchinson, Carson, and Gray, except such as the judge of said court may in his discretion from time to time order.

Sec. 8. The Governor shall appoint as soon as this Act takes effect a person to act as Judge of the Eighty-fourth Judicial District and a person to act as District Attorney of such Eighty-fourth Judicial District, such person to have the qualifications as prescribed by law, which said appointees may hold their said respective offices until the next general election in this State, their successor to be elected as now provided by law.

Sec. 9. Inasmuch as the Eighty-fourth Judicial District of Texas and the Thirty-first Judicial District of Texas are composed of the same counties the District Clerk of the respective counties of the Thirty-first Judicial District shall also be and act as clerk of the District Court of the Eighty-fourth Judicial District Court in their respective counties.

Sec. 10. The Thirty-first Judicial District of Texas and the Eighty-fourth Judicial District of Texas and the Courts of said Judicial Districts in the various counties composing same shall have concurrent jurisdiction with each other in said counties in all matters over which jurisdiction is given or shall hereafter be given by the Constitution and their discretion in term time or in Either of the judges of the said district courts for said counties may in laws of this State to District Courts. vacation transfer a case or cases, civil

or criminal, to said other district court by order entered on the minutes of his court from which case is transferred or minutes or orders made in chambers as the case may be, which orders, when made shall be copied and certified to by the District Clerk of the County in which said transfer is made together with all orders made in said case and such certified copies of such orders together with the original papers shall be filed among the papers of any case thus transferred and the fees thereof shall be taxed as a part of the costs of said suit, and the Clerk of said Court shall docket any such case in the court to which it shall have been transferred and when so entered the court to which same shall have been thus transferred shall have like jurisdiction therein as in cases originally filed in said court and the same shall be dropped from the docket of the said court from which it was transferred, provided that all process and writs issued out of the District Court from which any such transfer is made shall be returnable to the term of court to which said transfer is made according to the terms of the District Court of said respective court as fixed by this Act, and that all bonds executed and recognizances entered into in any District Court from which any such transfer is made shall bind the parties for their appearance or to fulfill the obligations of such binds and recognizances at the terms of said courts to which said transfer is made as said terms are fixed by this Act in the respective counties.

Sec. 11. The District Attorney of the Thirty-first Judicial District may upon request of the District Attorney of the Eighty-fourth Judicial District assist the said District Attorney in the trial of any criminal case or habeas corpus case pending in the District Court of said Eighty-fourth Judicial District in any of the counties therein, and likewise the District Attorney of the Eighty-fourth Judicial District may upon request of the District Attorney of the Thirty-first Judicial District assist said District Attorney in the trial of any criminal case or habeas corpus case pending in the District Court of said Thirty-first Judicial District in any of the counties therein, and in all such cases the District Attorney so assisting shall receive the same compensation for such services as is now

provided by law for such services in the District for which he is appointed or has been elected, but nothing herein shall be construed as limiting the authority of the District Attorneys of the two districts from having absolute control and management of criminal cases and habeas corpus cases which are tried in their respective counties.

Sec. 12. If a section, paragraph or provision of this Act be held or declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs and provisions of this Act, but the same shall remain in full force and effect.

Sec. 13. This Act insofar as it pertains to the Eighty-fourth Judicial District shall expire and cease to be effective on and after two years from the date said act takes effect, and thereupon all cases, matters and things pending in any court in said Eighty-fourth District shall by operation of law be transferred to the district court in the same county of the Thirty-first Judicial District and such cases, matters and things shall have the same status as if originally filed in said Thirty-first Judicial District.

Sec. 14. All laws and parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed.

Sec. 15. The rapid settlement of the counties composing said Judicial Districts and the unprecedented increase in litigation in said counties and the crowded condition of the dockets of the District Courts affected by this Act creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days and it is so suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted by a unanimous vote.

H. B. No. 52 as amended was passed finally, by the following vote:

Yeas—27.

Bailey.	Hall.
Berkeley.	Holbrook.
Bledsoe.	Lewis.
Fairchild.	Love.
Floyd.	McFarlane.
Greer.	Moore.

Neal.	Stuart.
Parr.	Triplett.
Pollard.	Ward.
Price.	Westbrook.
Real.	Wirtz.
Reid.	Witt.
Russek.	Wood.
Smith.	

Absent.

Bowers.	Miller.
Hardin.	Woodward.

S. J. R. No. 2.

Senator Pollard moved to reconsider the vote by which the Senate defeated S. J. R. No. 2, and to spread the motion upon the Journal.

S. J. R. No. 8.

The Chair laid before the Senate on third reading the following resolution:

By Senator Price:

S. J. R. No. 8, A joint resolution "Proposing the amendment of Article Eight, Section Nineteen, of the State Constitution so as to carry forward the provision for the exemption from taxation of farm products in the hands of the producer and as family supplies for the home and farm use, and also providing for the exemption from taxation of cotton mills located in the State of Texas for a period of fifteen years."

The resolution was passed finally by the following vote:

Yeas—26.

Berkeley.	Parr.
Bledsoe.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Moore.	Wirtz.
Neal.	Wood.

Nays—2.

Bailey.	Witt.
	Absent.
Bowers.	Woodward.
Miller.	

S. J. R. No. 6.

The Chair laid before the Senate on third reading the following resolution:

By Senator Fairchild:

S. J. R. No. 6, A joint resolution "Proposing an amendment to Article XIV of the Constitution of Texas, by the addition of a new section to said Article XIV, to be numbered Section 65; providing legislative authority for the enactment of laws to encourage the conservation of the timber resources of the State, and for the reforestation of deforested lands; for the administration of such laws; for the time and manner of voting upon such proposed constitutional amendment; defining certain duties of the Governor in connection therewith; and making an appropriation to defray the expenses of proclamation, publication and election."

The resolution was passed finally by the following vote:

Yeas—23.

Berkeley.	Parr.
Bledsoe.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Witt.
Moore.	Wood.

Nays—2.

Wirtz.	Bailey.
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Absent.

Bowers.	Westbrook.
Miller.	Woodward.
Neal.	

S. J. R. No. 16.

The Chair laid before the Senate on second reading the following resolution:

By Senator Hall:

S. J. R. No. 16, A joint resolution "Proposing to amend Section 30, Article — of the Constitution of Texas."

On motion of Senator Hall, the resolution was laid on the table subject to call.

S. J. R. No. 17.

The Chair laid before the Senate on second reading the following resolution:

By Senator Hall:

S. J. R. No. 17, A joint resolution "Proposing to amend Sections 14 and 16, Article VII, Constitution of Texas."

On motion of Senator Hall, this resolution was laid on the table subject to call.

S. J. R. No. 18.

The Chair laid before the Senate on second reading the following resolution:

By Senator Hall:

S. J. R. No. 18, A joint resolution "Proposing to amend Sections 3 and 4, Article III, of the Constitution of Texas."

On motion of Senator Hall, this resolution was laid on the table subject to call.

S. J. R. No. 24.

The Chair laid before the Senate on second reading the following resolution:

By Senator Wood:

S. J. R. No. 24, A joint resolution "Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court consisting of a chief justice and not less than eight associate justices, one Court of Criminal Appeals consisting of a presiding judge and not less than two associate judges, and altering the provisions of Article V of the State Constitution so as to more adequately provide for a judicial department of the State Government."

On motion of Senator Wood, this resolution was laid on the table subject to call.

Motion to Adjourn.

The motion of Senator Pollard to adjourn until 10 o'clock Tuesday morning was lost.

S. C. R. No. 10.

The Chair laid before the Senate on second reading S. C. R. No. 10, relating to a picture of Governor Miriam A. Ferguson. The resolution was read second time and adopted.

S. J. R. No. 13.

On motion of Senator Moore, S. J. R. No. 13, was laid on the table subject to call.

Senate Committee.

The Chair made the following announcement to the Senate:

"In accordance with resolution creating a Tax Commission, I hereby appoint upon said committee on the part of Senate, the following:

Witt, Wirtz and Wood.

Senate Bill No. 9.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 9, A bill to be entitled "An Act repealing Chapter 184 of the General Laws of the State of Texas, passed by the Thirty-ninth Legislature, being S. B. No. 252, entitled: 'An Act granting to every person against whom any judgment of conviction has heretofore been rendered by the Senate of the State of Texas in any impeachment proceedings, a full and unconditional release of any and all acts and offenses of which any such person was so convicted under and by virtue of any such judgment, and to cancel and remit any and all punishment fixed or assessed by any such judgment of said Senate, and declaring an emergency'."

Senator Love moved that the favorable minority report be substituted for the unfavorable majority report. The motion was adopted.

Motion to Adjourn.

A motion by Senator Fairchild that the Senate adjourn until 10 o'clock a. m. Tuesday was lost by the following vote:

Yeas—10.

Bailey.	Parr.
Fairchild.	Pollard.
Floyd.	Russek.
Holbrook.	Ward.
Miller.	Wirtz.

Nays—14.

Berkeley.	Price.
Bledsoe.	Reid.
Greer.	Smith.
Hall.	Triplett.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.

Present—not Voting.

Stuart.

Absent.

Bowers.	Neal.
Hardin.	Real.
Moore.	Woodward.

Recess.

On motion of Senator Wood, the Senate recessed until 10 o'clock Tuesday morning.

After Recess.

(February 15, 1927.)

The Senate was called to order at 10:00 a. m. by Lieutenant Governor Miller, pursuant to recess.

Senate Bill No. 9.

The question recurred upon the adoption of the minority report that the bill do pass.

Senator Fairchild moved to lay the bill on the table subject to call.

Senator Love moved the previous question upon the bill and pending motion.

The previous question was ordered by the following vote:

Yeas—21.

Berkeley.	Moore.
Bledsoe.	Neal.
Fairchild.	Pollard.
Floyd.	Price.
Greer.	Reid.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Witt.
Love.	Wood.
McFarlane.	

Nays—5.

Bowers.	Ward.
Parr.	Wirtz.
Russek.	

Present—not Voting.

Bailey.	Woodward.
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Absent.

Miller.	Stuart.
Real.	

The motion to lay the bill on the table subject to call was lost by the following vote:

Yeas—8.

Bowers.	Russek.
Fairchild.	Ward.
Holbrook.	Wirtz.
Parr.	Woodward.

Nays—18.

Bledsoe.	Neal.
Floyd.	Pollard.
Greer.	Price.
Hall.	Reid.
Hardin.	Smith.
Lewis.	Triplett.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.

Present—not Voting.

Bailey.	Berkeley.
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Absent.

Miller.	Stuart.
Real.	

The minority report that the bill do pass was adopted by the following vote:

Yeas—18.

Bledsoe.	Neal.
Floyd.	Pollard.
Greer.	Price.
Hall.	Reid.
Hardin.	Smith.
Lewis.	Triplett.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.

Nays—6.

Fairchild.	Russek.
Holbrook.	Ward.
Parr.	Wirtz.

Present—not Voting.

Bailey.	Real.
Berkeley.	Woodward.
Bowers.	

Absent.

Miller.	Stuart.
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Senator Wirtz sent up the following:

Reasons for Vote.

If the law, known as the "Amnesty Act," which this bill seeks to repeal, is unconstitutional it is, of course, void; and its repeal is unnecessary. If constitutional, the effect of the

Act has been to restore the citizenship of all persons affected thereby, as fully as an unconditional and absolute pardon would restore the citizenship of a person convicted of a felony; and such rights of citizenship can not be taken away by subsequent legislative enactment.

Therefore, whether the Amnesty Act is or is not constitutional, the present bill can not affect the status or rights of any persons affected thereby, and serves no purpose except to revive a dormant issue of partisan, personal politics. For the reasons stated, I vote against the pending measure.

WIRTZ.

The bill was ordered engrossed by the following vote:

Yeas—18.

Bledsoe.	Neal.
Floyd.	Pollard.
Greer.	Price.
Hall.	Reid.
Hardin.	Smith.
Lewis.	Triplett.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.

Nays—6.

Fairchild.	Russek.
Holbrook.	Ward.
Parr.	Wirtz.

Present—not Voting

Bailey.	Real.
Berkeley.	Woodward.
Bowers.	

Absent.

Miller.	Stuart.
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Senator Love moved to suspend the constitutional rule and place S. B. No. 9 on its third reading.

The motion to suspend was lost failing to receive four-fifths vote, by the following vote:

Yeas—19.

Berkeley.	Neal.
Bledsoe.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Holbrook.	Triplett.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Moore.	

Nays—5.

Fairchild.
Parr.
Russek.

Ward.
Wirtz.

Present—not Voting.

Bailey.
Bowers.
Hardin.

Pollard.
Woodward.

Absent.

Miller.

Stuart.

Messages From the House.

The Chair recognized the door-keeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

• H. B. No. 201, A bill to be entitled "An Act to permit the catching of sucker, buffalo, carp and shad during the months of July, August and September in Coryell, Hamilton, Erath and Hood Counties."

H. B. No. 335, A bill to be entitled "An Act to amend Section 7 of the Special Laws enacted at the Regular Session of the Thirtieth Legislature, the same being Chapter 34, creating a more efficient road system for Washington County, approved March 21, 1907, and as amended by the Regular Session of the Thirty-second Legislature, Chapter 30, approved March 7, 1911, be amended so as to exempt citizens of Washington County from road duty by payment to the county treasurer money in lieu thereof, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to House Bill No. 52, by a vote of 106 ayes and no noes.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 50, A bill to be entitled "An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation for hire over the public highways of the State; defining motor bus companies and declaring them to be common carriers; excepting motor bus companies operating wholly within urbs thereof; defining the terms 'corporation' 'person,' 'public highways,' 'Highway Commission' and 'Commission'; providing for the issuance of certificates of convenience and necessity to motor bus companies, and prescribing the conditions upon which such certificate may be issued; requiring the Railroad Commission of Texas to supervise and regulate the public service rendered by every motor bus company; to fix or approve maximum and minimum fares, rates or charges; to prescribe all rules and regulations necessary for the government of motor bus companies, etc."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Senate Joint Resolution No. 24.

Senator Wood called from the table subject to call the following resolution:

S. J. R. No. 24, A joint resolution, "Proposing an amendment to the Constitution of the State of Texas, providing for a Supreme Court consisting of a chief justice and eight associate justices, one Court of Criminal Appeals consisting of a presiding judge and four associate judges, courts of civil appeals, district courts and such other courts as may be provided by law, and altering the provisions of Article V of the State Constitution in other respects so as to more adequately provide for a judicial department and system of the State government."

The resolution was read.

Senator Wood sent up the following amendment:

Amend S. J. R. No. 24 by striking out all after the words "Be it resolved

by the Legislature of the State of Texas" and inserting in lieu thereof the following:

Section 1. That Sections 1 and 3 of Article V of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 1 (of Art. V). The judicial power of this State shall be vested in one Supreme Court consisting of a Chief Justice and eight Associate Justices, of which a majority shall constitute a quorum, and a concurrence of at least five members shall be necessary to make a decision of the court; one Court of Criminal Appeals, consisting of not less than three nor more than five judges, and Courts of Civil Appeals for such Supreme Judicial Districts as the Legislature may establish, the aggregate number of members of all of which courts of Civil Appeals, together, shall not exceed thirty-six; and in District Courts for such Judicial Districts as the Legislature may provide for or define, and in such other courts as may be provided for the Legislature, which other courts, until otherwise provided by law, shall consist of county courts, commissioners' courts, and courts of justices of the peace, and other existing courts. The Legislature shall prescribe the compensation of the justices, judges and members of the courts and their tenure of office and the time and manner of their election by the people of the State at a general election; but the terms of the members of the Supreme Court, the Court of Criminal Appeals and the Courts of Civil Appeals shall be six years, and the judges of the District Courts four years. No person shall be eligible to the Supreme Court, the Court of Criminal Appeals, any court of Civil Appeals or District Court unless he possesses the qualifications prescribed in the State Constitution as it existed prior to this amendment. The present Judges and Justices and members of the courts shall hold office for the remainder of their terms, and until their successors are elected and qualify. When this amendment takes effect, the Governor shall immediately appoint six Associate Justices of the Supreme Court to complete the membership of said court, as herein provided, for terms so that the terms of two of such Associate Justices will be coterminous with the term of office of each of the present members of the Supreme Court, and upon the quali-

fication of such new Justices, the Commission of Appeals, created by statute to aid the Supreme Court, shall terminate. The Supreme Court may sit at any time during the year at the seat of government for the transaction of business, and each term thereof shall begin and end with each calendar year. This section shall supersede Sections 1 and 2 of Article V of the Constitution of this State, but all statutes enacted in conformity with said superseded sections not in conflict herewith shall continue in force until repealed, altered or amended by the Legislature."

"Section 3 (of Art. V). The Legislature shall prescribe the jurisdiction an incorporated town or city and sub- of all courts, provide for their terms and define, or provide for defining the districts thereof, and may make provision for assignment by the Supreme Court, or other agency, of judges among the several courts and districts to expedite business. A jury of the county court shall consist of six men. All courts in existence at the time this amendment takes effect shall continue to function and have the jurisdiction now provided by the Constitution and laws of the State, until changed by acts of the Legislature. This section supersedes Sections 3 to 8 inclusive, 15 to 20 inclusive, 22, 27 and 29 of Article V of the Constitution of this State, but all statutes enacted in conformity with said superseded sections not in conflict herewith shall continue in force until repealed, altered, or amended by the Legislature."

Sec. 2. Said proposed amendments shall be voted on by the electors of this State qualified to vote on constitutional amendments at an election to be held throughout the State on the first Monday in August, A. D., 1927, at which election such electors shall vote separately on each of said Sections 1 and 3 of Article V as separate propositions or amendments to the Constitution.

Sec. 3. At said election each voter opposing the adoption of said proposed amendment amending Section 1 of Article V so that it shall read as hereinbefore written shall scratch off of the ballot with pen or pencil the following words printed thereon:

"For the amendment to the State Constitution amending Section 1 of Article V thereof so that said Section 1 shall supersede Sections 1 and 2 of

Article V of the present State Constitution so as to provide for a Supreme Court consisting of one Chief Justice and eight Associate Justices, a Court of Criminal Appeals of not less than three nor more than five members, Courts of Civil Appeals with a limitation as to the total number of judges thereof that may be provided by the Legislature, District Courts and other courts as may be provided for by law, and other provisions in reference to the courts and judicial department of this State as shown in Senate Joint Resolution No. 24 adopted by the Fortieth Legislature at its Regular Session submitting this amendment to a vote of the electors;" and each voter favoring the adoption of said proposed amendment amending Section 1 of Article V of the present State Constitution so that it shall read as hereinbefore written shall scratch off of the ballot in the same manner the following words printed thereon:

"Against the amendment to the State Constitution amending Section 1 of Article V thereof so that said Section 1 shall supersede Sections 1 and 2 of Article V of the present State Constitution so as to provide for a Supreme Court consisting of one Chief Justice and eight Associate Justices, a Court of Criminal Appeals of not less than three nor more than five members, Courts of Civil Appeals with a limitation as to the total number of judges thereof that may be provided by the Legislature, District Courts and other courts as may be provided for by law, and other provisions in reference to the courts and judicial department of this State as shown in Senate Joint Resolution No. 24 adopted by the Fortieth Legislature at its Regular Session submitting this amendment to a vote of the electors."

If it shall appear from a return of said election that a majority of the votes cast have been cast in favor of said amendment, it shall become a part of the Constitution of the State of Texas.

Sec. 4. Each voter at said election opposing the adoption of said proposed amendment amending Sections three of Article V of the State Constitution so that it shall read as hereinbefore written shall scratch off of the ballot with pen or pencil the following words printed thereon:

"For the amendment to the Con-

stitution amending Section 3 of Article V thereof so that said Section 3 shall supersede Sections 3 to 8 inclusive, 15 to 20 inclusive, 22, 27 and 29 of Article V of the present State Constitution, so as to provide that the Legislature shall prescribe the jurisdiction of all courts, and making other provisions in connection with courts and the judicial department of the State and things covered by Article V of the State Constitution as shown by Senate Joint Resolution No. 24 adopted by the Fortieth Legislature at its Regular Session submitting this amendment to a vote of the people."

And each voter favoring the adoption of said proposed amendment amending Section 3 of Article V of the State Constitution so that it shall read as hereinbefore written, shall scratch off of the ballot in the same manner the following words printed thereon:

"Against the amendment to the Constitution amending Section 3 of Article V thereof so that said Section 3 shall supercede Section 3 to 8 inclusive, 15 to 20 inclusive, 22, 27 and 29, of Article V of the present State Constitution, so as to provide that the Legislature shall prescribe the jurisdiction of all courts, and making other provisions in connection with courts and the judicial department of the State and things covered by Article V of the State Constitution as shown by Senate Joint Resolution No. 24 adopted by the Fortieth Legislature at its Regular Session submitting this amendment to a vote of the people."

If it shall appear from a return of said election that a majority of the votes cast have been cast in favor of said amendment amending said Section 3 of Article V, said amendment shall become a part of the Constitution of the State of Texas.

Sec. 5. The Governor shall issue his proclamation calling said election and have the same published and said election held in accordance with this resolution and the constitution and laws of this State; and return shall be made and the votes canvassed and counted as provided by law; and if said amendments, either or both, are adopted by the required vote of the qualified electors of this State, the Governor shall issue his proclamation as required by law.

Sec. 6. The sum of five thousand dollars or so much thereof as may be necessary is hereby appropriated out of the State Treasury to pay for publication of the proclamation calling said election and any expense of the State in submitting said amendments and holding said election.

The amendment was read.

Senator Wood sent up the following amendment:

Amend S. J. R. No. 24, by striking out all before the words "Be it resolved by the Legislature of the State of Texas" and inserting in lieu thereof the following:

SENATE JOINT RESOLUTION.

"Proposing amendments to Sections

1 and 3, respectively, of Article V of the Constitution of Texas, one of said amendments proposing to amend said, Section 1 of Article V so that it shall supercede Sections 1 and 2 of Article V of the present State Constitution, so as to provide for a Supreme Court consisting of one Chief Justice and eight Associate Justices, and a Court of Criminal Appeals consisting of not less than three nor more than five judges, Courts of Civil Appeals in Supreme Judicial Districts as may be provided by law not to exceed in the aggregate a certain number of members, district courts and other courts as may be provided by law, and make other provisions in reference to the courts and judicial department of this State; and the other of said amendments proposing to amend said Section 3 of Article V of the present State Constitution so that said Section 3 will supercede Sections 3 to 8 inclusive, 15 to 20 inclusive, 22, 27 and 29, of Article V of the present State Constitution, so as to provide that the Legislature shall prescribe the jurisdiction of all courts, and making other provisions with reference to courts and the judicial department of this State and matters covered by Article V of the present Constitution; providing that said two propositions or amendments shall be voted on separately by the voters of this State qualified to vote on constitutional amendments; providing for holding and fixing the time for holding an election throughout

the State so that the qualified electors may vote on said amendments; and providing for the necessary proclamation, and expense in connection with said election, and providing for canvassing of the returns and making proclamation if said amendments or either of the same should be adopted."

The amendment was read.

The resolution with pending amendments was passed as pending business for Wednesday morning.

House Bills Read and Referred.

The following House bills were laid before the Senate, read severally, first time and referred to appropriate committees:

H. B. No. 335, referred to Committee on State Highways and Motor Traffic.

H. B. No. 201, referred to Committee on Criminal Jurisprudence.

Bills Read and Referred.

Unanimous consent was granted to send up the following bills:

By Senator Holbrook:

S. B. No. 370, A bill to be entitled "An Act to amend Article 1302, Revised Civil Statutes of 1925, which Article provides for the manner of issuing charters by the State to private corporations, and which amendment provides that private corporations may be formed under General Law for all purposes not in contravention of the Constitution of Texas or the United States, or inconsistent with provision of General Law or the public policy of the State; providing for a franchise tax on corporations including more than one purpose, which tax shall be in addition to the franchise tax now provided by law; and further providing that corporations shall have all powers necessary to purposes for which created; declaring that all charters issued to private corporations heretofore are effective for the purposes for which created; providing that charters be recorded in the records in the principal office of the corporation, and requiring that such charters shall be recorded in the county records of the county of the principal office of the corporation, and in each county in which a branch of it is maintained; repealing all laws and parts of laws in conflict herewith, and declaring an

emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 371, A bill to be entitled "An Act amending subdivision 2 of Article 7071 of the Revised Civil Statutes of 1925 so as to require certain reports of oil produced; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Ward:

S. B. No. 372, A bill to be entitled "An Act designed to prevent counties from creating excessive debts by issuing time warrants and funding or refunding bonds, prescribing the procedure and restrictions in the issuance of bonds, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Wood, by Request:

S. B. No. 373, A bill to be entitled "An Act regulating the flying and operation of any airship, aeroplane; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Hall:

S. B. No. 374, A bill to be entitled "An Act amending Section 7d, Article 8306, Part 1, Title 130, Revised Civil Statutes of 1925, regulating the fees allowed attorneys in cases appealed to the courts, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

S. B. No. 375, A bill to be entitled "An Act regulating the duties of the county board of trustees of the public schools of this State, in all counties having 210,000 population or more, according to the last preceding Federal census, etc., and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Bowers:

S. B. No. 376, A bill to be entitled "An Act amending Article 2791 of the Revised Civil Statutes of 1925 so as to reduce the amount of bond that is required to be given by the tax assessor and collector of independent

school districts affected by said article, and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Real:

S. B. No. 377, A bill to be entitled "An Act to amend Chapter 7, Article 527, Penal Code of the State of Texas regarding immoral publications, nude and suggestive pictures and affixing a punishment, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Westbrook:

S. B. No. 378, A bill to be entitled "An Act amending Article 6640 of the Revised Civil Statutes of 1925 requiring lis pendens notices to be filed upon the filing of any suit or action involving the title to real estate or seeking to establish any interest or right therein or to enforce any lien, charge or encumbrance against the same; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Westbrook:

S. B. No. 379, A bill to be entitled "An Act relating to workmen's compensation; amending Section 5a of Article 8307 of the Revised Civil Statutes of 1925 so as to provide for penalties and attorney's fees where there is delay in paying of awards mentioned in said article after appeal or suit brought upon same and in which there is a final decision in favor of the claimant; amending Section 12a of Article 8306 of the Revised Civil Statutes of 1925 so as to allow certain compensation during the time an employe is incapacitated on account of sickness, etc., and declaring an emergency."

Read first time and referred to Committee on Labor.

By Senators Witt and Love:

S. B. No. 380, A bill to be entitled "An Act amending Article 416 of the Revised Civil Statutes of 1925, relating to savings banks; authorizing the investment of the saving deposits of such banks in additional classes of securities; enacting provisions better regulating such investments, and declaring an emergency."

Read first time and referred to Committee on Banking.

By Senator Greer:

S. B. No. 381, A bill to be entitled "An Act amending Article 3936 of the Revised Civil Statutes of 1925 so as to fix the fees of the constable for services rendered in business connected with courts of justices of the peace; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Ward:

S. B. No. 382, A bill to be entitled "An Act amending Article 3386 of the Revised Civil Statutes of 1925 authorizing the payment of the costs of bonds of executors and administrators mentioned in said article out of the estate being administered; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Bledsoe, Fairchild and Neal:

S. B. No. 383, A bill to be entitled "An Act to amend Article 1021 of Chapter 2, of Title 15, of the Code of Criminal Procedure, Revised Criminal Statutes of Texas, so as to provide for the payment of twenty dollars per day for each day district attorneys in certain districts attend any session of any of the district courts in their respective districts, etc., and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Floyd:

S. B. No. 384, A bill to be entitled "An Act enacting subdivision 15 of Article 616 of the Code of Criminal Procedure of 1925 regulating and limiting the questioning of jurymen on voir dire; declaring the rule as to reversal of cases by the Court of Criminal Appeals for failure to permit questions on such voir dire; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Floyd:

S. B. No. 385, A bill to be entitled "An Act amending Article 22 of the Code of Criminal Procedure of 1925 of the State of Texas, by adding thereto provision for the use of the testimony of a witness whose attendance cannot be secured by the state at the trial of a criminal case; and whose testimony can be reproduced, where defendant either in person or by counsel has had the opportunity

to examine the witness in the trial court or in an examining court, and providing a means of reproducing such testimony; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Floyd:

S. B. No. 385, A bill to be entitled "An Act amending Article 666 of the Code of Criminal Procedure of 1925 prescribing proper rule for the reversal of criminal cases by the court of Criminal Appeals; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Floyd:

S. B. No. 386, A bill to be entitled "An Act enacting subdivision 7 of Article 543 of the Code of Criminal Procedure of 1925 so as to regulate and restrict the granting of continuances in criminal cases for the testimony of absent witnesses; providing that the new trial shall be granted and no case reversed where the testimony of absent witnesses may or can be reproduced; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Floyd:

S. B. No. 388, A bill to be entitled "An Act making it the duty of the State Health Department to analyze any liquor or liquid to ascertain its alcoholic content when requested to do so by any county attorney, etc., and declaring an emergency."

Read first time and referred to Committee on Public Health.

Senate Bill No. 162.

Senator Fairchild moved to take up S. B. No. 162 out of its regular order.

The motion was carried by the following vote:

Yeas—24.

Bailey.	Hardin.
Berkeley.	Holbrook.
Bowers.	Lewis.
Fairchild.	Love.
Floyd.	McFarlane.
Greer.	Miller.
Hall.	Neal.

Parr.	Smith.
Pollard.	Triplett.
Price.	Ward.
Real.	Wirtz.
Russek.	Woodward.

Nays—4.

Moore.	Westbrook.
Reid.	Wood.

Absent.

Bledsoe.	Witt.
Stuart.	

The Chair laid before the Senate the following bill:

By Senator Fairchild:

S. B. No. 162, A bill to be entitled "An Act providing that no law in this State shall prevent any person from vaccinating, inoculating or treating his own hogs with hog cholera virus or serum or other remedy; repealing any law in conflict with this Act, and declaring an emergency."

The bill was read second time.

Senator Bailey sent up the following amendment:

Amendment No. 1.

By Bailey:

Amend S. B. No. 162 and caption by inserting after the word "remedy" the words "or dogs with any serum or virus that will prevent rabies."

The amendment was read and adopted.

The bill was ordered engrossed.

Recess.

At 12:00 p. m., the Senate, on motion of Senator Pollard, recessed until 2:00 p. m.

After Recess.

The Senate was called to order at 2:00 p. m. by Lieutenant Governor Miller, pursuant to recess.

Senate Bill No. 81.

The Chair laid before the Senate on the calendar, the following bill:

By Senator Love:

S. B. No. 81, A bill to be entitled "An Act relating to the practice of barbering; providing who shall practice barbering and who shall serve as an apprentice, and requiring the certificate as a registered barber and a certificate of registration as an apprentice, and providing for qualifications a barber and an apprentice

barber shall possess in order to receive a certificate and to practice barbering; providing who are exempt from the provisions of this Act; the standard of education and the qualifications for certificates of registration as a registered apprentice; providing for examinations of applicants; providing the age, character and habits of persons issued certificates, etc."

The bill was read second time and laid on the table subject to call.

Senate Bill No. 354.

Unanimous consent was granted to call up out of its order the following bill:

By Senator Holbrook:

S. B. No. 354, A bill to be entitled "An Act to create Road District No. 26 in Brazoria County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 354 put on its second reading and final passage, by the following vote:

Yeas—29.

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Greer.	Real.
Hall.	Reid.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.

Witt. Woodward.
Wood.

Absent.

Floyd. Stuart.

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 354 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Floyd. Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Floyd. Stuart.

Senate Bill No. 355.

Senator Holbrook received unanimous consent to take up out of its order S. B. No. 355.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 355 put on its second reading and final passage, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Floyd. Stuart.

The Chair laid before the Senate, on second reading,

S. B. No. 355, A bill to be entitled "An Act to create Road District No. 25, in Brazoria County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district, validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such Acts, and declaring an emergency."

The bill was read second time.

The Senate rule was suspended.

The committee report was adopted.

S. B. No. 355 was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 355 put on its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Fairchild.	Lewis.

Love.	Russek.
McFarlane.	Smith.
Miller.	Triplett.
Moore.	Ward.
Neal.	Westbrook.
Parr.	Wirtz.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

Absent.

Floyd. Stuart.

S. B. No. 35 was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Bledsoe.
Berkeley.	Bowers.
Fairchild.	Price.
Greer.	Real.
Hall.	Reid.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.
Pollard.	

Absent.

Floyd. Stuart.

Senate Bill No. 356.

Senator Holbrook received unanimous consent to take up out of its order S. B. No. 356.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 356 put on its second reading and final passage, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Floyd. Stuart.

The Chair laid before the Senate, on second reading,

S. B. No. 356, A bill to be entitled "An Act to create Road District No. 9, in Fort Bend County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such Act, and declaring an emergency."

The bill was read second time.

The Senate rule was suspended.

The committee report was adopted.

S. B. No. 356 was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 356 put on its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Floyd. Stuart.

S. B. No. 356 was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Lewis.
Berkeley.	Love.
Bledsoe.	McFarlane.
Bowers.	Miller.
Fairchild.	Moore.
Greer.	Neal.
Hall.	Parr.
Hardin.	Pollard.
Holbrook.	Price.

Real.	Westbrook.
Reid.	Wirtz.
Russek.	Witt.
Smith.	Wood.
Triplett.	Woodward.
Ward.	

Absent.

Floyd.	Stuart.
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Senate Bill No. 248.

The Chair laid before the Senate, on the calendar, the following bill:

By Senator Woodward:

S. B. No. 248, A bill to be entitled "An Act providing that all conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas and, or, Chapter 2, of Title 128, Revised Civil Statutes of Texas, under the name of Water Improvement Districts, etc.; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 248 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Floyd.	Stuart.
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The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Hall.
Berkeley.	Hardin.
Bledsoe.	Holbrook.
Bowers.	Lewis.
Fairchild.	Love.
Greer.	McFarlane.

Miller.	Smith.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Pollard.	Wirtz.
Price.	Witt.
Real.	Wood.
Reid.	Woodward.
Russek.	

Absent.

Floyd.	Stuart.
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Senate Bill No. 279.

Senator Bailey received unanimous consent to take up out of its order the following bill:

By Senator Bailey:

S. B. No. 279, A bill to be entitled "An Act to create Road District No. 3, in San Patricio County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such Acts; and declaring an emergency."

The bill was passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 279 put on its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Floyd. Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Floyd. Stuart.

Senate Bill No. 117.

Senator Triplett received unanimous consent to take up out of its order the following bill:

S. B. No. 117, A bill to be entitled "An Act to amend Section 6, Article 8306, part 1 of Title 130, Revised Statutes of 1925, by changing the waiting period and date on which compensation shall begin to accrue, and declaring an emergency."

The bill was read second time.

The committee report, carrying a substitute, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Triplett, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 117 put on its third reading and final passage by the following vote:

Yeas—20.

Berkeley.	Neal.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Smith.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Westbrook.
Moore.	Woodward.

Nays—2.

Bailey. Holbrook.

Absent.

Floyd.	Stuart.
Hardin.	Wirtz.
Lewis.	Witt.
Parr.	Wood.
Russek.	

The bill was read third time and passed finally, by the following vote:

Yeas—21.

Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wood.
Miller.	Woodward.
Neal.	

Nays—4.

Bailey. Holbrook.
Berkeley. Moore.

Absent.

Floyd.	Stuart.
Parr.	Wirtz.
Russek.	Witt.

Senate Bill No. 247.

Senator Woodward received unanimous consent to take up out of its order the following bill:

S. B. No. 247, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof, within the time required by law, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 247 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Fairchild.
Berkeley.	Greer.
Bledsoe.	Hall.
Bowers.	Hardin.

Holbrook.	Reid.
Lewis.	Russek.
Love.	Smith.
McFarlane.	Triplett.
Miller.	Ward.
Moore.	Westbrook.
Neal.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Price.	Woodward.
Real.	

Absent.

Floyd.	Stuart.
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The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Floyd.	Stuart.
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Senate Bill No. 168.

Senator Ward received unanimous consent to take up the following bill:

S. B. No. 168. A bill to be entitled "An Act amending Articles 1256 and 1257 of the Penal Code of 1925, so as to properly define murder, and fixing the punishment for murder; inserting in the Penal Code a new article numbered 1257-a relating to what may be proved, and considered by the jury, in determining the punishment to be assessed for murder; repealing Chapter 15 of Title 15 of the Penal Code of 1925, relating to manslaughter and all other laws in conflict with this Act, and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was adopted.

Senator Ward sent up the following amendments:

Amend S. B. No. 168 as follows:

Amend the bill by inserting in the

caption, page 1, line 13, after the word "act" the following:

"repealing Chapter 18 of Title 15 of the Penal Code of 1925;"

Amend said bill by striking out the word "the" just before the word "facts" in line 29, page 1, and inserting in lieu thereof the words "all relevant."

Amend said bill by inserting in line 31, page 1, after the word "with" the following words: "all relevant."

Amend said bill by inserting a new sentence at the end of Section 3 thereof, in line 5, page 2, which sentence shall read as follows: "Chapter 18 of Title 15 of the Penal Code of 1925 is hereby repealed."

The amendments were read and adopted.

Senator Love moved the previous question on the bill.

The previous question was not ordered by the following vote:

Yeas—12.

Berkeley.	Neal.
Floyd.	Smith.
Greer.	Triplett.
Love.	Ward.
McFarlane.	Witt.
Moore.	Woodward.

Nays—16.

Bailey.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Hall.	Real.
Hardin.	Reid.
Holbrook.	Stuart.
Lewis.	Westbrook.
Miller.	Wirtz.

Absent.

Bledsoe.	Wood.
Russek.	

Message From the House.

The Chair (Senator Lewis) recognized the doorkeeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 161, A bill to be entitled "An Act amending Article 879 of

Chapter 6. of Title 13, of the Revised Criminal Statutes of Texas of 1925, which article provides for the regulation of the seasons in which wild game may be hunted and killed, and the seasons in which it is lawful to hunt and kill such wild game, including doves, quail, pheasant, turkey, rail, plover, ducks, prairie chickens, deer, bear and fox; and which amendment provides for seasons in which it shall be lawful to hunt and kill the wild game named, and in which the season for hunting and killing such wild game shall be closed; and providing for the addition at the end of said article to the proviso that there shall be no closed season for the hunting and killing of squirrels and that it shall be lawful to hunt and kill the wild red or fox squirrels and the wild gray squirrels in the counties of Gonzales, Austin and Real."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

House Bill No. 357.

On motion of Senator Reid H. B. No. 357 was withdrawn from the committee on State Affairs and referred to the Committee on Judicial Districts.

S. C. R. No. 17.

Senator Neal received unanimous consent to send up the following resolution:

By Senators Neal, Reid, Bledsoe, Ward, Holbrook, Price, Greer, Wirtz, Russek, Witt, Wood, Woodward, Lewis, Love, McFarlane, Smith:

Whereas, The need of the establishment of a modern, uniform and co-ordinated system of accounting, auditing and financial reporting of the State's finances and fiscal affairs is a matter of common knowledge; and

Whereas, The Governor in his message to the Joint Session of the House and Senate on January 20, 1927, recommended the enactment of laws establishing a modern, uniform system of accounting and auditing of all State departments and State institutions; and

Whereas, It is necessary in order that this Legislature may act intelligently in enacting such laws that a full knowledge of the facts relating to the systems of accounting now used in all departments of the State gov-

ernment and in all the State institutions be acquired; and

Whereas, This information can only be obtained by actual survey of the systems of business practice of all the departments and institutions of the State and activities in connection therewith:

Now Therefore, Be It Resolved by the Senate of Texas, the House of Representatives Concurring, That the Governor appoint a committee to consist of two accountants and one lawyer, all of good repute and standing in their professions, and responsible citizens of Texas, whose duties shall be as follows:

To make a survey of the systems of accounting and auditing used in all State departments and institutions and activities in connection therewith in this State, and all details necessary to make a complete and full report upon all matters and things needed to be done in order to establish a modern, uniform and safe system of accounting, auditing and financial reporting of all State departments, and institutions, and when said committee shall have made said survey as contemplated by this resolution, to make a complete report of its findings to the Governor and the Legislature with its recommendations.

That said committee shall have authority to examine during reasonable business hours any and all books, records, accounts, systems of accounting and devices belonging to or relating to any department, institution or activity of this State; and all State officers, heads of departments, institutions, bureaus and commissions and employees are hereby required to assist said committee when requested by said committee whenever possible.

Said committee shall have power and authority to employ and compensate a secretary and other help as deemed necessary by it performing the duties imposed upon said committee by the terms of this resolution, and shall keep a record of its investigations and of all funds expended by it and to whom paid, and the amounts thereof.

The said committee as herein provided shall make such recommendations as to legislation as may in its judgment be necessary to establish a modern, uniform system of accounting and auditing in all State departments and institutions.

The work herein provided for is to

be a work of co-ordination and investigation of methods of book and record keeping, and in no case an audit of past transactions, nor to entail the expense incident thereto, but it is intended to develop a more efficient system of conducting the public business and safeguarding the handling of public monies at a less expense to the State than at present.

The committee herein provided shall meet within ten days after its appointment at a time and place to be specified by the Governor; and shall select one of its members as chairman.

Members of said committee shall receive as compensation such sums as may in the judgment of the Governor be reasonable and customary, not to exceed \$10.00 per day, with railroad fare, hotel, telegram, telephone and postage expenses incurred in the discharge of their duties, and shall be authorized and empowered to purchase such stationery and other supplies as may be necessary for the discharge of their duties.

All moneys authorized to be expended under this resolution shall be paid out of the appropriation for contingent expenses of the Legislature, provided that the maximum amount which may be so expended shall be three thousand dollars.

Provided, further, that all expenditures of such committee shall be paid on sworn accounts of the persons entitled to such pay when approved as provided in the Appropriation Act for contingent expenses.

The committee herein authorized shall be a committee for the Legislature to gather information and perform duties herein provided for to the end that the Legislature will be informed as to proper laws to be enacted on said subject.

The resolution was read and referred to the Committee on State Affairs.

Senate Bill No. 251.

On motion of Senator Miller, S. B. No. 251 was ordered printed upon the minority report.

Senate Concurrent Resolution No. 18.

Senator Stuart received unanimous consent to send up the following resolution:

By Senator Stuart:

S. C. R. No. 18, Providing for a

convention to write a new constitution for the State of Texas.

Read and referred to Committee on Constitutional Amendments.

House Bill Read and Referred.

After their captions were read, the Chair referred the following bills:

H. B. No. 161 to Committee on Insurance.

H. B. No. 5 to Committee on State Highways and Motor Vehicles.

Senate Bill No. 280.

On motion of Senator Stuart, S. B. No. 280 was referred to the Committee on Insurance.

Adjournment.

On motion of Senator Bowers, the Senate at 5:00 p. m., adjourned until Wednesday morning at 10:00 o'clock.

APPENDIX.

Petition and Memorials.

By Senator Bailey:

Concerning S. B. No. 311. Petition of numerous citizens of Wilson County asking for the passage of S. B. No. 311 pertaining to fees of county and precinct officers in the counties containing less than 25,000 population.

By Senator Bailey:

Concerning H. B. No. 202. Petition of numerous citizens of Cuero, Texas, protesting against the passage of H. B. No. 202.

Permission to Print.

Senator Greer received permission to have read and printed in the Journal the following:

Let School Children Teach the Teachers.

To The News.

If we may be permitted to judge by the treatment of the bill introduced by Miss Neal in the Texas Legislature for the purpose of repealing the Fairchild certificate law, the members of the Legislature are of the opinion that six consecutive years as a teacher in our public schools is the equal of the college training required for a permanent certificate. If this be true it is most

certainly a great tribute to the teaching ability of the school children of this age, or else a very poor tribute to those who teach in our colleges. Besides it is a great boon to the teachers themselves. They can now go on with their school work, receiving their salaries and at the end of six years receive their coveted permanent certificates without all the trouble and expense of attendance at college. If our Legislature is correct in all this it seems that it is now the duty of some member to introduce a bill to eliminate all the State schools now maintained for the express purpose of preparing teachers to teach—let the kids in the school-room do this—thus ridding the State of the expense of keeping up these expensive schools with their high-priced professors. The millions thus saved would help much to solve the ever-vexing tax situation that has grieved the righteous souls of a long-suffering public. J. S. BOWLES.
Groveton, Texas.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 14, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 149 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:25 o'clock a. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 234 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:20 o'clock a. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 56 carefully examined and compared, and find the same correctly enrolled, and have this day at 11:20 o'clock

a. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 14, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 14 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 195 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 9 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 162 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 117 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills have had S. B. No. 247 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 248 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 279 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 354 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 355 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 356 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 14, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred

S. B. No. 75, A bill to be entitled "An Act to provide for summoning the general panel of petit jurors by mail, and for making return on such summons; also declaring the effect of such summons and return, providing for payment of expenses of same, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 177, A bill to be entitled "An Act to provide the manner in which and the time within which real property sold in any of the methods provided by law for the payment of taxes due the State, county, city or any political subdivision of the State, may be redeemed from any such sale, and providing for the execution of a certificate of redemption, prescribing the effect thereof, and the officer to execute the same, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 332, A bill to be entitled "An Act to amend Article 3884, Revised Statutes, 1925, relating to compensation of deputies and assistants of certain district and county officers, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 323, A bill to be entitled

"An Act authorizing the district judge to appoint auditors to audit the books of any incorporated city or town in his judicial district, and making it his duty to do so upon the application of three or more property taxpayers of said city or town; prescribing the authority of such auditors and providing for their compensation; enacting Article 1001-a, of the Revised Civil Statutes, 1925, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that C. S. S. B. do pass in lieu thereof.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 284, A bill to be entitled "An Act amending Articles 3118 and 3139 of the Revised Civil Statutes of 1925 relating to nominations of political parties; providing for county executive committees and county precinct chairmen and vice chairmen of political parties affected by said articles of the Statutes; providing for the filling of vacancies of same; providing for district executive committees and their chairmen; providing for State conventions and their functions; providing for a State executive committee and a chairman and vice chairman thereof and the filling of vacancies in said committee, or the chairman or vice chairman thereof; providing for a fair representation of women on executive committees and officers of said committees; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Committee Room,

Austin, Texas, Feb. 14, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 356 creating and validating Road District No. 9 in Ft. Bend County.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 354, creating and validating Road District No. 26 in Brazoria County.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 355, creating and validating Road District No. 25 in Brazoria County.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 278, A bill to be entitled "An Act authorizing legislative bodies of incorporated cities and towns to provide for the promotion of health, safety, morals and general welfare of the community; to regulate and restrict the height, number of stories, size, kind and character of buildings; the dimensions of lots, yards, courts and open spaces, etc.; the density of population and the location and use of buildings for trade, industries, residence or other purposes; providing that said municipal legislative bodies may subdivide the municipality into districts

to carry out the purposes of this Act, and within such districts to regulate construction and alteration of buildings, and the use of land therein contained to facilitate the adequate provision of and for traffic, transportation, water, sewerage, schools and parks, and to promote the health and general welfare; providing the method of procedure whereby such legislative bodies shall establish regulations and restrictions to carry out the purpose of this Act; providing the manner and method of making changes in such regulations and restrictions; providing for the creation of a zoning commission and defining its powers and duties; providing for a board of adjustment and defining its powers and duties; prescribing the remedy to be pursued in case of violation of this Act or any ordinance or regulation made under authority conferred thereby; describing the manner of construing this Act with relation to other laws, ordinances and regulations; providing for the repeal of laws, or parts of laws, in conflict therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the attached committee amendments.

LOVE, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 278, by inserting after the word "incorporated" and before the words "is hereby" in line 3 of Section 1 the following language: "When such city or town shall have adopted the provisions of this Act in the manner hereinafter provided.

Committee Amendment No. 2.

Amend S. B. No. 278, by adding to Section 1 thereof the following language: "Provided, however, that this Act shall not enable any city or town aforesaid to require the removal or destruction of property, or interfere with the lawful use thereof existing at the time such city or town shall take advantage of this Act. Provided further, that the provisions of this Act or of any ordinance of any city or town, enacted under the authority of this Act, shall not apply to the location, construc-

tion, maintenance or use of central office buildings or corporations, firms or individuals engaged in the furnishing of telephone service to the public, or to the location, construction, maintenance or use of any equipment in connection with such buildings or a part of such telephone system, necessary in the furnishing of telephone service to the public."

Committee Amendment No. 3.

Amend S. B. No. 278, by inserting in said Act after Section 1, a new section to be known as Section 1a, to read as follows, to wit:

Section 1a. The provisions of this Act shall apply only to any city or town and the terms thereof extend to the same, when the governing body of such city or town shall submit the question of the adoption or rejection of such Act to a vote of resident property taxpayers, who are qualified voters of said city, at a special election called for the purpose by said city. Said election shall be held as nearly as possible in compliance with the law with reference to regular city elections in said city, but said governing body is hereby empowered, and it shall be their duty on the written petition of one hundred qualified voters of said city, by resolution to order said election, and prescribe the time and manner of holding the same. Said body shall canvass and determine the results of such election. If a majority of the voters voting upon the question of said adoption of this Act at such election, shall vote to adopt the same, the result of the election shall be entered by said governing body upon the minutes, and thereupon all the terms of this Act shall be applicable to and govern such city adopting the same. A certified copy of said minutes shall be prima facie evidence of the result of such election and the regularity thereof. When the provisions of said Act have been adopted by any city, the governing body thereof shall have full power to pass all ordinances or resolutions necessary or proper to give full force and effect thereto and to every part thereof.

Committee Amendment No. 4.

Amend the caption of S. B. No. 278, by inserting after the word "purposes" and before the word

"provided" in line 8 of the caption, the following: "Exempting existing property and locations, construction, maintenance or use of central office buildings of telephone concern from the operation of the Act; and providing that provisions of the Act shall extend only to cities or towns adopting the same by a majority vote of the property owners and taxpayers who are qualified voters."

Committee.

Austin, Texas, Feb. 11, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 281, A bill to be entitled "An Act regulating the election of trustees in independent school districts heretofore created by special Act of the Legislature, prescribing their number, the method of their election, their terms of office and duties, the method of filling vacancies in the school board; providing for the calling of elections to determine whether the trustees in any district shall thereafter be elected in the manner prescribed by the General Laws of the State of Texas, relating to the election of trustees in independent school districts, the method of holding such elections and declaring the results, and the election, qualifications and duties of the trustees if the vote is in favor of thereafter electing the trustees in the manner prescribed by the General Laws; regulating who shall be entitled to vote at such elections; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 361, A bill to be entitled "An Act amending Article 6945 of the Revised Civil Statutes of the State of Texas of 1925, the same being also Article 7235 as contained in Chapter 101 of the General Laws of the Reg-

ular Session of the Thirty-ninth Legislature, relating to Stock Law Elections in reference to certain Live Stock, so as to insert in said Article Leon and Panola Counties, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendment:

"Amend Senate Bill No. 361 by inserting in Section 1, page two of the typewritten bill, Line two, between the words "Ward," and Wharton" the following:

"Jim Wells."

And we further recommend that it be not printed.

PARR, Chairman.

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 347, a bill to be entitled "An Act creating and establishing the Ninety-ninth Judicial District to be composed of Lubbock County, Texas; fixing the terms and the times of holding the district court in said district; providing for a transfer of some of the cases pending in the Seventy-second Judicial District Court in said county to the court herein created, and requiring the necessary things to be done in connection with said transfer of cases; providing for the District Clerk of Lubbock County to act as such clerk for the district court herein created; providing that the district attorney for the Seventy-second Judicial District shall act as the district attorney for said court herein created, providing for a district judge for the court herein created; providing that the sheriff of Lubbock County shall perform duties in connection with said court herein created as provided by general law in connection with district courts; enacting the necessary provisions in reference to process and writs, records and papers, connected with cases transferred under this Act; providing all matters and things incidental to the main purpose of this Act; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recom-

menation that it do pass, and be not printed.

PRICE, Chairman.

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 365, A bill to be entitled "An Act amending Section 1 of Chapter 80 of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to change and fix the terms and the times of holding the district court in the various counties composing the Seventy-second Judicial District of this State; enacting necessary provisions relative to process issued and bonds and recognizances made and grand and petit juries drawn before this Act takes effect; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room.

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 360, A bill to be entitled "An Act to provide for extending the terms of the District Courts in any county composing one or more judicial districts; validating extensions of terms heretofore made in such counties; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room.

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 334, A bill to be entitled "An Act to amend Sections 2 and 3, Chapter 4 of the Acts of the Third Called Session of the Thirty-sixth Legislature, changing the date of holding the terms of the district court of the Twenty-ninth Judicial District of Texas, and to make all process is-

sued or served before this Act takes effect, including recognizances and bonds returnable to the term of court in the several counties as herein fixed, to validate such process, recognizances and bonds; and to validate the summoning of grand and petit jurors, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room.

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 350, A bill to be entitled "An Act to authorize the commissioners' courts of the various counties of the State of Texas, to employ one or more nurses for the purpose of assisting in the promotion of public health and visiting and inspecting the pupils of the public schools and to appropriate public funds in payment thereof."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BERKELEY, Chairman.

Committee Room.

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 339, A bill to be entitled "An Act amending Article 5490, Revised Civil Statutes of Texas, 1925, by eliminating therefrom the words 'and every transfer thereof,' and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendment:

Amend S. B. No. 339 by inserting in Section 1, after the words "personal property" the words "and every transfer of personal property."

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 290, A bill to be entitled "An Act to amend Article 3935 of the Revised Civil Statutes of Texas, 1925, relating to and providing for the fees and compensation of justices of the peace, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend the bill by inserting in Article 3935, after the words "justices of the peace" the words "in justice precincts having less than fifteen thousand population, according to the last U. S. census of 1920," and amend the caption of the bill by adding the same words after the words "in civil cases."

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 348, A bill to be entitled "An Act to amend Article 2547, Chapter 2, Title 47, Revised Civil Statutes, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend S. B. No. 348 by inserting in the caption, after the figures "1925" the following:

"relating to county depositories and better providing for securities that may be pledged to secure county funds."

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 289, A bill to be entitled "An Act to amend Article 1557 of the Penal Code of the State of Texas, 1925, making same apply to all mortgages on motor vehicles, and making

it a penal offense to remove a motor vehicle from the county in which mortgagor resides at the time of giving mortgages, and retaining same out of the county for more than sixty days without first obtaining permission of the holder of the mortgage, and making the venue for violation of Article 1557 in the county in which the car was taken without permission."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to the Committee on Criminal Jurisprudence.

BAILEY, Chairman.

On motion of Senator Bailey the report was adopted, and S. B. No. 289 was rereferred to the Committee on Criminal Jurisprudence.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 251, A bill to be entitled "An Act to amend Section 5a, of Article 8307, Part 2, of Title 130, Revised Civil Statutes of 1925, by providing that the right to accelerate maturity and collect a penalty and attorney's fees shall only apply to awards for a definite or specific period of time, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 251, A bill to be entitled "An Act to amend Section 5a of Article 8307, Part 2 of Title 130, Revised Civil Statutes of 1925, by providing that the right to accelerate maturity and collect a penalty and attorney's fees shall only apply to

awards for a definite or specific period of time, and declaring an emergency."

Beg leave to differ with a majority of the Committee, and report the same back to the Senate with the recommendation that Senate Committee Substitute Bill therefor do pass.

MILLER,
WARD.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 307, A bill to be entitled "An Act to extend the time within which, and prescribe conditions upon which, domestic and foreign corporations which have defaulted in the payment of franchise taxes, penalties and interest may pay the same and have their right to do business revived, by extending until the first day of September, A. D. 1927, the time during which all such corporations may pay to the Secretary of State such franchise tax penalties and interest and have their right to do business revived, and to validate the revival of such right to do business heretofore made by the Secretary of State upon the part of all such corporations which have heretofore paid to the Secretary of State such franchise taxes, penalties and interest, and providing for forfeiture of charters of such domestic corporations as may fail so to do; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 358, A bill to be entitled "An Act providing for a report and record of real estate sold for taxes and for the publication of same; prescribing the information and data that shall be included in connection therewith; prescribing the duties of

the sheriff or constable relative to making report of sales of real estate for taxes to the county clerk; providing for the removal from office of the county clerk, sheriff or constable violating or failing to comply with the provisions of this Act; providing for all matters and things incidental to said purposes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 358, A bill to be entitled "An Act providing for a report and record of real estate sold for taxes and for the publication of same; prescribing the information and data that shall be included in connection therewith; prescribing the duties of the sheriff or constable relative to making report of sales of real estate for taxes to the county clerk; providing for the removal from office of the county clerk, sheriff or constable violating or failing to comply with the provisions of this Act; providing for all matters and things incidental to said purposes; and declaring an emergency."

Beg leave to differ with a majority of the committee, and report the same back to the Senate with the recommendation that it do pass.

McFARLANE,
LOVE.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 261, A bill to be entitled "An Act providing that the Attorney General may bring such legal action as he may deem necessary in relation to any contract between any party or parties on the one hand and

the State of Texas, or any of its departments, on the other, and fixing the venue of all such actions in the district court of Travis County; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 261, A bill to be entitled "An Act providing that the Attorney General may bring such legal action as he may deem necessary in relation to any contract between any party or parties on the one hand and the State of Texas, or any of its departments, on the other, and fixing the venue of all such actions in the district court of Travis County; and declaring an emergency."

Have had the same under consideration, and beg leave to differ with a majority of the committee, and report the same back to the Senate with the recommendation that it do pass.

LOVE.

McFARLANE.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 297, A bill to be entitled "An Act to abolish the defense of contributory negligence and to establish in this State the rule of comparative negligence in all negligence cases, except cases governed by Title 130 of the Revised Civil Statutes known as the Workmen's Compensation Law, or Article 6440 of the Revised Civil Statutes, which laws are to remain unaffected hereby; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate

with the recommendation that it do pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 297, A bill to be entitled "An Act to abolish the defense of contributory negligence and to establish in this State the rule of comparative negligence in all negligence cases, except cases governed by Title 130 of the Revised Civil Statutes known as the Workmen's Compensation Law, or Article 6440 of the Revised Civil Statutes, which laws are to remain unaffected hereby; and declaring an emergency."

Beg leave to differ with a majority of the committee, and report the same back to the Senate with the recommendation that it do not pass.

PRICE.

HOLBROOK.

McFARLANE.

Committee Room,

Austin Texas, Feb. 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 327, A bill to be entitled "An Act amending Chapter 185, local and Special Laws enacted by the Thirty-ninth Legislature at its Regular Session in 1925, same being an amendment to Section 11, Chapter 16 of the Local and Special Laws enacted by the First Called Session of the Thirty-seventh Legislature, in 1921, same being a Special Road Law for Liberty County, by adding thereto Section 11-a, to permit the issuance of bonds by Liberty County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with recommendation that it do pass and be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 287, A bill to be entitled "An Act providing for the collection, compilation and publishing of information, statistics, and data relating to agriculture, horticulture, livestock, poultry, manufacturing and other industries and enterprises, requiring the tax assessor of each county to take certain statistics as herein provided; requiring the Commissioners of Agriculture to tabulate and distribute statistics and information relating to agriculture, horticulture, livestock, poultry, manufacturing and other industries and enterprises; providing additional compensation to assessors for taking said statistics and data; providing that the information given herein shall not be used as a basis for taxation, prescribing penalties; repealing certain articles and all laws in conflict herewith, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. C. R. No. 21, have had the same under consideration, and beg to report back to the Senate with the recommendation that it do pass.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 154, A bill to be entitled "An Act to establish a State Registry in the State Department of Agriculture for the purpose of registering names of farm homes and the names of all breeders of pure bred livestock and pure bred poultry; authorizing and empowering the Commissioner of Agriculture to purchase the necessary books, stationery, and equipment and to open such registry upon the taking effect of

this Act; providing the method of procedure for registering the names of farm homes and the names and post office addresses of all breeders of pure bred livestock and poultry who apply for such registration; providing for the collection of a registration fee from each applicant; and providing for the transfer to the Department of Agriculture of the names of all farm homes now registered in the office of the Secretary of State; requiring the Commissioner of Agriculture to publish bulletins giving the names and address of breeders of pure bred livestock and pure bred poultry for the information of the public; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the committee amendment.

HARDIN, Chairman.

Committee Amendment.

By Senator Neal:

To amend S. B. No. 154.

To be inserted at the end of Section 3, on page 2, the following amendment:

Provided that before the Commissioner of Agriculture shall register such livestock and poultry, he shall require the owners of such livestock and poultry to furnish registration papers showing that said livestock and poultry are of the breed as represented and said papers shall be returned by the Commissioner of Agriculture to the owner after they have been registered.

Committee Room,
Austin, Texas, Feb. 11, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 16, A bill to be entitled "An Act amending Section 10, 16, and 17 of Chapter 24 of the Special Laws of the State of Texas, approved March 5, 1913, and passed by the Thirty-third Legislature, relating to the road system of Hamilton County by changing the minimum age of persons required to work the roads from eighteen to twenty-one and changing the amount of indebtedness that can be created in road matters and changing the compensation of the road supervisors."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

FLOYD, Chariman.

Senator Witt received unanimous consent to send up and have printed in the Journal the following:

By Witt.

C. S. S. B. No. 35.

A BILL

To Be Entitled

An Act to amend Section 5 and 22 of Chapter 176 of the Acts of the Thirty-ninth Legislature approved April 1st, 1925, relating to the creation of the Free Textbook Commission and defining its powers, now constituting Articles 2843 and 2860 of the Revised Civil Statutes of 1925; providing that it shall be the duty of said Commission to select and adopt suitable texts for certain independent school districts and for junior high schools, such texts upon such subjects as the State Board of Education may prescribe and to be supplied to such schools upon requisition as herein specified; repealing Section 6 of Chapter 176 now constituting Article 2844 of the Revised Civil Statutes of 1925; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 5 of Chapter 176 of the Acts of the Thirty-ninth Legislature approved April 1st, 1925, now constituting Article 2834 of the Revised Civil Statutes of 1925 and Section 22 of said Act, now constituting Article 2860 of said statute, to be amended so as to hereafter read as follows:

Article 2843. The Textbook Commission authorized by this Act shall have authority to select and adopt a uniform system of textbooks to be used in all public free schools of Texas, except independent school districts having 500 or more scholastics, high schools and junior high schools; and the books so selected and adopted shall be printed in the English language, and shall include and be limited to textbooks on the following subjects: spelling, reading, English language and grammar, geography, arithmetic, physiology-hygiene, civil government, history of the United States (in which the construction placed on the Federal Constitution by the fathers of the Confederacy shall be fairly represented), history of Texas, agriculture, a sys-

tem of writing books, and a system of drawing books.

It shall be the further duty of the Commission to adopt a multiple list of not less than five, nor more than ten textbooks on the above named subjects for use in all independent school districts having 500 or more scholastics. And it is made the duty of the school authorities of such independent school districts, in accordance with rules laid down by the Texas State Textbook Commission to select for each branch of study any one textbook of said multiple list adopted for that subject, and when such book is so chosen by the local authorities from the multiple list adopted, such book shall continue in use for so long as said school authorities shall desire to use the same and same is an adopted text; but in no event shall said school authorities discard a book so long as same is useful.

It shall be the further duty of the Commission to select and adopt for use in junior high schools a multiple list of not less than five, nor more than ten books upon such subjects as said Textbook Commission may prescribe, these texts to be supplied to the junior high schools in lieu of the elementary or high school texts herein specified, and subject to the same rules and regulations as apply to other multiple list books.

It shall be the further duty of the Commission to adopt a multiple list of books for use in high schools of the State; said multiple list including not fewer than five, nor more than ten textbooks on the following subjects: algebra, plane geometry, solid geometry, general science, biology, physics, chemistry, a one year general history, ancient history, modern history, American history, Latin, Spanish, physical geography, English composition, history of American literature, history of English literature, physiology, agriculture and civil government and for each high school branch of study any one textbook of said multiple list adopted for that subject may be selected for and used in any high school of the State as the textbook of such branch in that high school and when such book is so chosen by the local authorities from the multiple list adopted, such book shall continue in use for so long as said school authorities shall desire to use the same, and same is an adopted text; but in no event shall said authorities discard a book in condition for use.

Provided however, that the multiple list herein provided for shall apply to the high schools classed by the Department of Education as high schools of the first class. For use in other high schools another multiple list of textbooks of not less than five, nor more than ten on each subject, as prescribed by the Commission shall be selected by the Commission, such textbooks to be supplied to said high schools subject to the rules and regulations as applied to other schools using multiple list books.

Provided further that in any city or independent school district having more than one high school of the first class, said city or independent school district shall adopt from said multiple list for use in said high school the same books.

The State Textbook Commission is authorized to prescribe specific rules not in conflict with the provisions herein as to the manner of the selection of multiple list books.

To enable a high school or school district to continue in use a satisfactory multiple list book, the Textbook Commission at each subsequent adoption shall readopt all the textbooks in the previous adoption on that subject, provided same shall be offered for re-adoption at a price not in excess of previous price, nor higher than the book is sold elsewhere under the same conditions of sale and distribution; and said Textbook Commission shall, as additional textbooks to such re-adoptions as may be made, shall adopt not less than three nor more than five additional new texts on each of the subjects upon which adoptions are being made.

It is further provided that none of the textbooks adopted or selected by said Textbook Commission shall contain anything of a partisan or sectarian character, and that nothing in this Act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public schools, nor to prevent the Commission from adopting texts for the teaching of such languages.

Provided further that the value of all textbooks supplied to the school districts, respectively, shall be deducted from the funds apportioned to such districts respectively by the State.

It is further provided that no public free schools in this State may use

any textbook unless same has been previously adopted and approved by this Commission; and the Commission shall prescribe rules not in conflict with the provisions hereof under which all textbooks adopted and approved shall be introduced and used by or in the public schools of this State.

Provided further that existing contracts shall not be affected by any adoptions made under this Act.

Article 2860. The books adopted by the Commission under the provisions of this Act shall be introduced and used as textbooks to the exclusion of all others in public free schools of this State for such period of years as may be determined by the Commission, not to exceed six years in any case; provided that it shall be the duty of the Commission, in contracting for new books, to reserve to the State the right to introduce these books gradually and to retain in use in the schools the books of earlier adoption so long as these may be useful; and provided, further that nothing in this Act shall be construed to prevent or prohibit the trustees of school districts from purchasing textbooks with the local maintenance funds and furnishing free textbooks to the students in the event that no contracts are made by the State.

Provided that said Commission shall not contract for any book for which any member of the nominating committee or any member of said Commission is or may be offered.

Sec. 2. Section 6 of Chapter 176 of the Acts of the Thirty-ninth Legislature approved April 1, 1925, now constituting Article 2844 of the Revised Civil Statutes of 1925 is hereby expressly repealed.

Sec. 3. All laws and parts of laws, general and special, in conflict with this Act, are hereby expressly repealed.

Sec. 4. The fact that the present law regulating the selection of textbooks for the Texas State Textbook Commission is wholly unsatisfactory and not for the best interest of the school children of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act shall take effect and be in full force from and after its passage, and it is so enacted.